

From: [CASTELLI Chris](#)
To: [Gilpin Drew](#); [Silva Debbie Deetz](#); [Miranda Paula](#); [Degens Sebastian](#); [Berg Heidi](#); (b) (6); (b) (6); [Wyatt Bob](#); [Pfeiffer Steve](#); (b) (6); [Thorpe Kathleen](#); [Wall Kathy](#); (b) (6); [Wilson Michael](#); [Hathaway Chris](#); [Sallinger Bob](#); [Lovell Kaitlin](#); (b) (6); [Koehl Krista](#); (b) (6); [Allen Susan](#); [Krumbein David](#); [Jansky Andrew](#); [Wexler Randi](#); [Williams Travis](#); [Voetberg Jim](#); (b) (6); (b) (6); [Hayward Mike](#); (b) (6); [Ackland Emily](#); [Rowe Patrick](#); (b) (6); [Craddock Rodger](#)
Cc: [Amoroso Amy](#); (b) (6); [Swift Brett](#); [Andrews Carrie](#); (b) (6); [MELCHER Curt](#); (b) (6); [LLOYD Diane](#); [Springer Dick](#); [Marriott Debrah](#); [HUTSON Gerry](#); [Bartlett Heather](#); [Chip Humphrey/R10/USEPA/US@EPA](#); (b) (6); [Fenton Jason](#); (b) (6); (b) (6); [Brown Jevra](#); [ANDERSON Jim M](#); [Paul Jim](#); [Kincaid James](#); [SHEAHAN Joseph E](#); [Shaw John](#); (b) (6); [Curtis Julie](#); [SOLLIDAY Louise](#); [Callahan-Grant Megan](#); [O'Connor Mike](#); [Kennedy Mike](#); [Pustis Nancy](#); [HENRY Randy H](#); [Seifried Robin Bellanca](#); [KEPLER Rick J](#); [Zinszer Shawn](#); [Sheryl Stohs/R10/USEPA/US@EPA](#); (b) (6); (b) (6)
Subject: Additional Comment
Date: 07/27/2012 09:22 AM

Hello RAC members.

Please find the attached comment from RAC member (b) (6). This comment was an addition to one submitted by RAC member (b) (6) on July 4th.

Thanks,
Chris

Christopher Castelli
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This is the comment I was referring too.

----- Forwarded Message -----

From: (b) (6) <(b) (6)>
To: CASTELLI Chris <chris.castelli@state.or.us>
Sent: Thursday, July 5, 2012 10:06 AM
Subject: Re: Environmental Justice Comments Excluded from last meeting

What goes on in Oregon's waterways affects us all. As Will stated the group of stakeholders who comments and use of time overwhelmed the meeting where industry. They seemed to be in control of much of the meeting. The promised discussion on CDFs did not occur or discussion of capping. Lots of industry comments on MNR which is pushed in FS for Portland Harbor. My definition of a way to do as little as possible while the river may or may not heal itself.

Now industry is at State Lands trying to convince them that they are cleaning things up so they should not have to pay much of anything for the damage done to our water ways. Frankly it was a cost they did not envision until late in clean up process. Imagine, the State owns that which they damaged, now look hard at the proposed rules with that in mind not how best to serve industry but how best to serve the people of our state. Just keep things fair and just for all.

From: CASTELLI Chris <chris.castelli@state.or.us>
To: (b) (6); Mary Orton <mary@maryorton.com>
Cc: Amoroso Amy <aamoroso@cowcreek.com>; Jansky Andrew <andrew@flowingsolutions.com>; (b) (6) (b) (6) Huber Audie <audiehuber@ctuir.org>; Sallinger Bob <bsallinger@audubonportland.org>; Swift Brett <bswift@amrivers.org>; Andrews Carrie <candrews@cablehuston.com>; (b) (6) (b) (6); (b) (6); (b) (6); (b) (6); MELCHER Curt <curt.melcher@state.or.us>; Harvey Dave <david.harvey@gbx.com>; Silva Debbie Deetz <debbie.deetz.silva@evrazincna.com>; (b) (6) (b) (6); LLOYD Diane <diane.lloyd@state.or.us>; Springer Dick <dick@wmswcd.org>; Krumbein David <dkrumbein@bluecc.edu>; Marriott Debrah <dmarriott@lcrep.org>; Gilpin Drew <drew.gilpin@evrazincna.com>; (b) (6) (b) (6); Ackland Emily <eackland@aocweb.org>; (b) (6) (b) (6); Bartlett Heather <heather.bartlett@cowcreek.com>; Berg Heidi <heidi.berg@portlandoregon.gov>; Humphrey Chip <humphrey.chip@epa.gov>; Voetberg Jim <j.voetberg@newportoregon.gov>; (b) (6) (b) (6); Fenton Jason <jason.fenton@burnspaiute-nsn.gov>; Benedict James <jbenedict@cablehuston.com>; (b) (6) (b) (6); Brown Jevra <jevra.brown@state.or.us>; ANDERSON Jim M <jim.m.anderson@state.or.us>; Paul Jim <jim.paul@state.or.us>; (b) (6) (b) (6) Kincaid James <jkincaid@cablehuston.com>; SHEAHAN Joseph E <joseph.e.sheahan@state.or.us>; Shaw John <jshaw@pcc.edu>; (b) (6) (b) (6); Curtis Julie <julie.curtis@state.or.us>; Lovell Kaitlin <kaitlin.lovell@portlandoregon.gov>; Thorpe Kathleen <kathleen@cleanyourdirt.com>; (b) (6) (b) (6); Koehl Krista <krista.koehl@portofportland.com>; Wall Kathy <kwall@portofcoosbay.com>; Kearns Lea <leanette@maryorton.com>; Callahan-Grant Megan <megan.callahan-grant@noaa.gov>; (b) (6) (b) (6); Hayward Mike <mike.hayward@nwnatural.com>; Wilson Michael <mike.wilson@grandronde.org>; O'Connor Mike <mike@brooklyn-neighborhood.org>; Kennedy Mike <mikek@ctsi.nsn.us>; Miranda Paula <miranda@portsh.org>; Pustis Nancy <nancy.pustis@state.or.us>; Rowe Patrick <prowe@sussmanshank.com>; HENRY Randy H <randy.h.henry@state.or.us>; Seifried Robin Bellanca <rbseifried@stoel.com>; Craddock Rodger <rcraddock@coosbay.org>; KEPLER Rick J <rick.j.kepler@state.or.us>; Wyatt Bob <rjw@nwnatural.com>; Wexler Randi <rwexler@integral-corp.com>; Allen Susan <sallen@pewtrusts.org>; Degens Sebastian <sebastian.degens@portofportland.com>; Zinszer Shawn <shawn.zinszer@usace.army.mil>; Pfeiffer Steve <spfeiffer@perkinscoie.com>; Stohs Sheryl <stohs.sheryl@epamail.epa.gov>; (b) (6) (b) (6); (b) (6) (b) (6) (b) (6); Williams Travis <travis@willametteriverkeeper.org>
Sent: Thursday, July 5, 2012 9:03 AM
Subject: RE: Environmental Justice Comments Excluded from last meeting

Hi (b) (6)
We are in receipt of your comments and will review them over the next couple of weeks. Have a great camping trip.
Chris

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From: (b) (6)
Sent: Wednesday, July 04, 2012 8:04 AM
To: Mary Orton; CASTELLI Chris
Cc: Gilpin Drew; Silva Debbie Deetz; Miranda Paula; Degens Sebastian; Berg Heidi; Meyer Andy; (b) (6)

Wyatt Bob; Pfeiffer Steve; Thorpe Kathleen; Wall Kathy; (b) (6) Wilson Michael; Hathaway Chris; Sallinger Bob; (b) (6) Lovell Kaitlin; Koehl Krista; (b) (6) ; Allen Susan; Krumbein David; Jansky Andrew; Wexler Randi; Voetberg Jim; Williams Travis; (b) (6) (b) (6) Hayward Mike; Harvey Dave; Ackland Emily; Rowe Patrick; (b) (6) Craddock Rodger; SHEAHAN Joseph E; Huber Audie; (b) (6) Kennedy Mike; Shaw John; Kincaid James; Stohs Sheryl; HENRY Randy H; Curtis Julie; (b) (6) (b) (6) (b) (6) Andrews Carrie; MELCHER Curt; Amoroso Amy; ANDERSON Jim M; Bartlett Heather; O'Connor Mike; Fenton Jason; KEPLER Rick J; Seifried Robin Bellanca; Benedict James; Humphrey Chip; Calder Jackie; Callahan-Grant Megan; Marriott Debrah; CASTELLI Chris; LLOYD Diane; Brown Jevra; Paul Jim; Pustis Nancy; Zinszer Shawn; Swift Brett; Kearns Lea; Springer Dick; (b) (6) (b) (6)

Subject: Re: Environmental Justice Comments Excluded from last meeting

Hello Chris,

Per yesterday's meeting here are some of my comments I had prepared for presentation yesterday to the full group. Because of the amount of time focused on Industry representatives time precluded from my comments, *and* from my responses to their list of requests. At the end of the meeting you said to email them to you as time had run out and the facilitator's contract was over.

Objected to Items for which no response was allowed

These are items from yesterday's meeting. Please note that my stakeholder group does have proposals for alternatives, not just critique. One of them I did get a response while at the meeting. For the record,

I do **not**

1. support limiting Public Involvement as described by Industry, in fact I *propose* increasing public participation in a racheted scale based on impact to Public Trust values, and to make it a fundamental part of the metric.
2. waivers, but would *propose* waivers for impacted communities that were denied actual notice so they can meaningfully participate
3. extensions, especially but *propose* allownace with community notice and involvement.
4. lack of criminal penalties in addition to the usual list of financial "assurances", *proposing* some disincentives to not comply (see below re Debra Silva's excellent point re inclusion below)
5. delay tactics in rules under the guise of "incentiving", (which I did get to say, Thank you) and
6. a lack of emphasis on transparency of the industry - state interaction so that the community can know what's going on. By increasing your EJ profile in the rule this would happen, which has been *proposed*. .

Running a multi stakeholder meeting over represented by a large traditional stakeholder in a way that precluded the public stakeholders from protecting the Public Trust is **not** right. My stakeholder group is small and new. Resources from EJ put into this process are scant and precious, and usually completely voluntarily. So far the DSL staff has developed ways to

accommodate Industry, but not the range of what an "appraisal" is or could do as EJ suggested in the early meetings, not anything on how to incorporate the CA DSL EJ approach as also discussed in earlier meetings and yesterday. I would want equal DSL staff time on EJ issue and policy development as Industry has received. Without the chance to present to the whole group and have DSL write everything down we lose the chance to have that resource.

The next time I sense this exclusion coming my comments will be submitted as a member of the public. It is not possible to collaborate when only the usual stakeholders have captured the forum.

More Diverse Industry Representation

I completely agree with Debra Silva's point about how we need stakeholder representation from finance, insurance, and real estate (fire) stakeholders. I would rather hear from them speaking for themselves as opposed to unnamed bankers making critiques of our work via others. This group needs to be at the table because it is the strength of their financial assurances that undergird any trust people put in this process. So far it is "If industry does not do it's responsibility as they agreed, then we assure you we will pay you money." This does not always happen. I would like them at the table with us too. From my experience as a certified expert witness in EJ in a US Federal Court in the Spokane case, the money is NOT there when you need it.

And then what? This stakeholder group would know the answer to this important question.

Proposal - steep fines for delay, criminal penalties for fraud. These regulations need teeth, not just blind trust that money is actually there for you if the environment stays polluted. If they are really seeking the incentives, then there is nothing to worry about.

Comments From the Document

This is just a listing because I was not able to present them at yesterday's meeting for the above reason of Industry Focus. I prefer not to go into them at length without the benefit of a public forum, as Industry had yesterday.

p 4 "adverse effects" under the mitigation section. This term needs refinement. Long term and/or short term short effects and which ones? Who determines what is "adverse"? I have a paragraph of questions here. They go different directions. You may have to mitigate the mitigation approach itself for its environmental impacts (if any)

p3 I propose to include environmental value or ecosystem valuation in the definitions.

p 6 6a which laws? I would want it consistent with federal executive orders and probably state executive orders also.

COMPENSATION

This whole question of whether a hazardous material effect on property value is part of the measure will not be answered by a commercial appraisal. It requires an environmental assessment commonly required by money lenders when loaning money to buyers of property that is suspected of contamination. I have a lot of material from banking sources in this regard that I would be happy to share with you again. Again, another reason to include this

stakeholder group of FIRE. (finance, insurance, real estate)

p 16 I need to know more about the assignability of authorizations. I don't know about it. Why would that happen? Does it happen much?

Last

I wanted to thank our facilitator Mary Orton for her time and attention. It is a difficult job with a never ending learning curve, and sometimes difficult classes. Without her we would not have made the progress we did, so thanks again Mary.

(b) (6) [REDACTED] Hope everyoe is having a good holiday.

[REDACTED] (b) (6) -